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5 JUSTIN DEVEROUX

6 **UNITED STATES DISTRICT COURT,**
DISTRICT OF ARIZONA

7 JUSTIN DEVEROUX,) Case No.:
8)
9 Plaintiff,) **COMPLAINT AND DEMAND FOR**
v.) **JURY TRIAL**
10)
11 IMPERIAL CREDIT SYSTEMS, INC.,)
12 Defendant.)
13)
14)
15 **PLAINTIFF'S COMPLAINT**
16 JUSTIN DEVEROUX (Plaintiff), through his attorneys, KROHN & MOSS, LTD.,
alleges the following against IMPERIAL CREDIT SYSTEMS, INC. (Defendant):
17 **INTRODUCTION**
18 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15
U.S.C. 1692 et seq.* (FDCPA).
19
20 **JURISDICTION AND VENUE**
21 2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
actions may be brought and heard before "any appropriate United States district court
without regard to the amount in controversy."
22
23 3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction
is established.
24
25 4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Florence, Pinal County, Arizona.
 6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
 7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
 8. Defendant is a collection agency and conducts business in Arizona.
 9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged auto loan.
 11. On May 24, 2011, Defendant sent Plaintiff a collection letter (see Exhibit A).
 12. In May 2011, Defendant called Plaintiff seeking to collect the alleged debt.
 13. Defendant indicated that Plaintiff's wages would be garnished if no payment was made.
 14. Defendant implied that they were going to be filing a lawsuit if immediate payment was not made.
 15. To date, no lawsuit has been filed.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of this is to harass, abuse, and oppress the Plaintiff.
 - b. Defendant violated §1692e of the FDCPA by making false, deceptive, and

1 misleading representations in connection with the debt collection.

- 2 c. Defendant violated §1692e(4) of the FDCPA by indicating that non-payment of
3 the alleged debt would result in Plaintiff's wages being garnished.
- 4 d. Defendant violated §1692e(5) of the FDCPA threatening to take legal action
5 against Plaintiff even though Defendant did not intend to take such action.
- 6 e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
7 attempt to collect a debt by threatening to file a lawsuit against Plaintiff and
8 garnish Plaintiff's wages when Defendant did not intend to do so.
- 9

10 WHEREFORE, Plaintiff, JUSTIN DEVEROUX, respectfully requests judgment be
11 entered against Defendant, IMPERIAL CREDIT SYSTEMS, INC., for the following:

- 12 17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15*
13 *U.S.C. 1692k*,
- 14 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
15 *15 U.S.C. 1692k*
- 16 19. Any other relief that this Honorable Court deems appropriate.

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff, JUSTIN DEVEROUX, demands a jury trial in this cause of action.

19
20 RESPECTFULLY SUBMITTED,

21 DATED: July 19, 2011

KROHN & MOSS, LTD.

22 By: /s/Ryan Lee _____
23

24 Ryan Lee
25 Attorney for Plaintiff

1 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

2 STATE OF ARIZONA

3 Plaintiff, JUSTIN DEVEROUX, states as follows:

- 4 1. I am the Plaintiff in this civil proceeding.
- 5 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
 that all of the facts contained in it are true, to the best of my knowledge, information
 and belief formed after reasonable inquiry.
- 6 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
 law or by a good faith argument for the extension, modification or reversal of existing
 law.
- 7 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
 needless increase in the cost of litigation to any Defendant(s), named in the
 Complaint.
- 8 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
- 9 6. Each and every exhibit I have provided to my attorneys which has been attached to
 this Complaint is a true and correct copy of the original.
- 10 7. Except for clearly indicated redactions made by my attorneys where appropriate, I
 have not altered, changed, modified or fabricated these exhibits, except that some of
 the attached exhibits may contain some of my own handwritten notations.

11 Pursuant to 28 U.S.C. § 1746(2), I, JUSTIN DEVEROUX, hereby declare (or certify,
12 verify or state) under penalty of perjury that the foregoing is true and correct.

13 DATE: 7-5-11


JUSTIN DEVEROUX

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9 **EXHIBIT A**
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Imperial Credit Systems, Inc.
125 N. Parkside Dr. Ste. 302
Colorado Springs, CO 80909
1-888-240-3954 FAX 719-473-4968

May 24, 2011

Personal & Confidential (066-574009)

Justin E Arterburn
11536 E Primrose Ln
Florence, AZ 85132

Ref.: 574009

Client Name: JPMORGAN CHASE BANK
Account Number: 400452528360218399
Current Balance: \$ 23,071.19

Dear Justin E Arterburn

Your creditor has referred your account to this office for collections.
You are hereby advised:

Unless you, the consumer, notify this collection agency within thirty days after receipt of this notice that you dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this collection agency. If you, the consumer, notify this collection agency in writing within thirty days after receipt of this notice, that the debt or any portion thereof is disputed, this collection agency will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this collection agency. Upon your written request within thirty days after receipt of this notice this collection agency will provide you with the name and address of the original creditor, if different from the current creditor.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM

**This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.**

Office Hours: Monday - Thursday 7:00 am - 9:00 pm MST / Friday - Sunday 7:00 am - 4:00 pm MST